

HONORABLE FRED L. VAN SICKLE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON AT SPOKANE

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

CABLES INC.,

Defendant.

CIVIL ACTION NO. CV-07-099-FVS

CONSENT DECREE AND [PROPOSED]
ORDER OF DISMISSAL

I. INTRODUCTION

1. This action originated when Anna Komarov filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") on May 1, 2006. Ms. Komarov alleged that Cables, Inc. ("Cables") violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* (Title VII), when, *inter alia*, it discharged her on April 6, 2006 because of her pregnancy.

2. The EEOC fully investigated Ms. Komarov's discrimination charge. On December 8, 2006, the EEOC issued a letter of determination with a finding of reasonable cause to believe that Cables violated Title VII as Ms. Komarov had alleged. Thereafter, EEOC attempted to conciliate the charge. However, conciliation efforts were unsuccessful.

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4. The EEOC and Cables want to conclude fully and finally all claims arising out of the EEOC's Complaint and Ms. Komarov's discrimination charge filed with EEOC without expending further resources in contested litigation. The EEOC and Cables enter into this Consent Decree to further the objectives of equal employment opportunity as set forth in Title VII.

II. SETTLEMENT SCOPE

5. This Consent Decree represents the final and complete resolution of all allegations of unlawful employment practices contained in Ms. Komarov's discrimination charge, in the EEOC's administrative determination, and in the Complaint filed herein, including all claims by the parties for attorney fees and costs.

15 6. The scope of this Consent Decree will be limited to Cables' facility in Spokane,
16 Washington.

III. JURISDICTION AND VENUE

7. Jurisdiction is vested in this Court pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a. The employment actions alleged to have been unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of Washington.

1 IV. MONETARY RELIEF

2 8. In settlement of this lawsuit, Cables agrees to pay Ms. Komarov \$ 11,000 as non-
 3 economic damages for alleged emotional harm, and \$ 1,000 as back pay, payment of which is to
 4 be provided directly to Ms. Komarov subject to an individual agreement to be entered into by
 5 Ms. Komarov and Cables, with copies to the EEOC. This Consent Decree and the resolution of
 6 all claims by Ms. Komarov is not an admission of liability or wrongdoing by Cables. This
 7 Consent Decree and resolution is a compromise of claims that are disputed by Cables.

8
 9 V. AFFIRMATIVE AND OTHER RELIEF

10 A. General Provisions

11 9. Cables, its officers, agents, and employees will not discriminate and will comply
 12 with applicable laws with regard to applicants and/or employees based on pregnancy concerning
 13 their attendance, performance standards and conduct.

14 B. Anti-Discrimination Policies and Procedures

15 10. Defendant shall institute and carry out anti-discrimination policies, procedures
 16 and training for management personnel, supervisors, current and future employees. Cables will
 17 ensure that its managers, supervisors and employees understand its Equal Employment
 18 Opportunity ("EEO") policy with respect to any applicant or employee who is pregnant.

19 11. Within thirty (30) days of the effective date of this Consent Decree, Cables will
 20 confirm that it has: (a) reviewed its EEO policy and other employment policies and revised them
 21 as necessary to ensure that it adequately prohibits pregnancy discrimination; and, (b) distributed
 22 this EEO policy to all present employees, both management and non-management (and that it
 23 will distribute this EEO policy to all future management and non-management employees).
 24 Cables shall provide the EEOC with a copy of its EEO policy and any other revisions of its
 25 employment policies as part of its first semi-annual report as provided in paragraph 18 below.

C. Training

12. Within thirty (30) days of the effective date of this Consent Decree, Cables will provide two (2) hours of in person EEO training to all managers, supervisors and team leaders at its facility in Spokane, Washington by a qualified trainer regarding general EEO laws, including pregnancy discrimination. This training will assist managers, supervisors and team leaders to fully understand Cables' EEO policy and its legal duty not to discriminate against any applicant or employee based on pregnancy. The EEOC will have an opportunity to review the training materials prior to the training date. Annually thereafter, all managers, supervisors and team leaders at Cables' facility in Spokane, Washington will complete two (2) hours of training on EEO laws and policies, including pregnancy discrimination. Cables will also provide one hour (1.0) of EEO training to all employees (and future employees) at its facility in Spokane, Washington, which may be by video, procured with the assistance of the EEOC or equivalent from another source. This does not apply to any employee who works for a temporary service agency.

13. Cables shall notify the EEOC of the completion of the training seminars and will specify the names and job titles of the managers, supervisors, team leaders, and employees who participated in and completed the training. This information will be provided as part of the semi-annual report it submits to the Seattle Field Office of the EEOC.

D. Non-Disclosure of Information and Expungement of Records

14. Cables is enjoined from disclosing any information or making reference to any charge of discrimination or this lawsuit in responding to requests for information about Ms. Komarov.

15. Cables will ensure that the personnel files of Ms. Komarov, and any other records where such information is kept by Cables, do not contain any reference to her discrimination

charge against Cables and this lawsuit. If Ms. Komarov wishes to do so, Cables will permit her to review her personnel file once per year at any time during the duration of this Consent Decree to ensure that there are no such references. Thereafter, Cables will not add any information to the personnel file of Ms. Komarov or records regarding her discrimination charge and/or this lawsuit.

E. Policies Designed to Promote Accountability

16. Cables will impose discipline, up to and including demotion or termination, as appropriate, upon any employee who engages in pregnancy discrimination, including any supervisor or manager who discriminates against any applicant and/or employee based on pregnancy. Cables shall communicate this policy to all of its managers and supervisors.

17. Cables shall advise all managers and supervisors of their duty to ensure compliance with the company's EEO policy.

F. Reporting

18. Cables shall submit an annual report in writing and in affidavit to the EEOC for each year of the duration of the Consent Decree:

- a. Certification that the required training described in Paragraphs 12 and 13, has been completed.
- b. Certification that its EEO policy (reviewed and revised as necessary) has been sent to all current and newly hired employees as described above.
- c. A list of changes, modifications, revocations or revisions to its EEO policy and procedures which concern or affect the subject of pregnancy discrimination, and changes to any other employment policy.
- d. If applicable, Cables will submit a statement with its report to the Seattle Field Office of the EEOC specifying the areas of noncompliance, the reason for the noncompliance, and the steps that will be taken to bring Cables into compliance.

1 G. Posting

2 19. Cables will post a copy of this Consent Decree on a centrally located bulletin
3 board at Cables' facility located at Spokane, Washington for the duration of the Consent Decree.

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5 VI. ENFORCEMENT

6 20. If the EEOC determines that Cables has not complied with the terms of this
7 Consent Decree, the EEOC will provide written notification of the alleged breach to Cables. The
8 EEOC will not petition the Court for enforcement of this Consent Decree for at least thirty (30)
9 days after providing written notification of the alleged breach. The 30-day period following the
10 written notice shall be used by the EEOC and Cables for good faith efforts to resolve the dispute.

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12 VII. RETENTION OF JURISDICTION

13 21. The United States District Court for the Eastern District of Washington shall
14 retain jurisdiction over this matter for the duration of this Consent Decree.

15
16 VIII. DURATION AND TERMINATION

17 22. This Consent Decree shall be in effect for two (2) years from the date of entry of the
18 Consent Decree. If the EEOC petitions the Court for breach of this Consent Decree, and the
19 Court finds Cables to be in violation of the terms of the Consent Decree, the Court may extend
20 the duration of this Consent Decree.

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23 Dated this _____ day of _____ November, 2007.

24
25 William Tamayo
Regional Attorney

Ronald S. Cooper
General Counsel

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